

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**AMANDA BOSARGE, individually and on
behalf of their minor children, et al.,**

Plaintiffs,

-against-

**DANIEL P. EDNEY, in his official capacity
as the State Health Officer, et al.,**

Defendants.

Civil Action No. 1:22-cv-00233-
HSO-BWR

UNOPPOSED MOTION FOR AGREED SCHEDULING ORDER

Plaintiffs Amanda Bosarge, Jaquelyn Butler, Kimberly Harrell, William Morgan, Pastor Paul Perkins, Brandi Renfroe, and Dr. Jeana Stanley (“Plaintiffs”) file this unopposed motion for an agreed briefing scheduling order.

WHEREAS, Plaintiffs agreed to the request by Defendant Attorney General Lynn Fitch and Defendant State Health Officer Daniel P. Edney to answer or otherwise respond to the September 1, 2022 Complaint (Dkt. 1) on or before November 14, 2022; the Court granted Defendants Ashley Allred (a school administrator), Ashley Blackman (a school administrator), and Douglas Tynes (a local prosecutor) request to answer or otherwise respond to the Complaint on or before November 14, 2022; and the remaining Defendants, Archie Mitchell (a school administrator) and Allison Merit (a school administrator), to Plaintiffs’ knowledge, are unrepresented;

WHEREAS, on September 2, 2022, Plaintiffs filed a motion for a preliminary injunction (Dkt. 3) and for summary judgment (Dkt. 4);

WHEREAS, Plaintiffs and Defendant Attorney General Fitch agree to the proposed briefing schedule as provided below, but note that the Attorney General Fitch maintains that the motion for summary judgment is premature, and Plaintiffs dispute this position;

WHEREAS, Defendants Ashley Allred (a school administrator) and Ashley Blackman (a school administrator) filed a motion to stay any participation in this matter as they assert they are nominal defendants, agreeing that any final determination would be *res judicata* as to them (Dkt. 23), and Defendant Douglas Tynes (a local prosecutor) filed a similar motion (Dkt. 24);

NOW, THEREFORE, Plaintiffs moves the Court for the following:

- (1) Defendants Attorney General Lynn Fitch and State Health Officer Daniel P. Edney' answers to the complaint and their oppositions to Plaintiffs' pending motions to be due on or before November 21, 2022, and Plaintiffs' reply to be due on or before December 1, 2022; and
- (2) If the Court believes the remaining defendants, all of whom are school administrators and one local prosecutor, are nominal defendants, their participation in this matter is hereby stayed and they shall be bound by the final decision and not be responsible for any fees and costs in this matter.

Dated: November 11, 2022

Respectfully submitted,

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